

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

John K. Massey, Jr.,) C/A No. 1:12-1355-JFA-SVH
vs. Plaintiff,)
Tammy Dover, RN; and Dr. James Jewell, MD,) ORDER
Defendants.)

)

The *pro se* plaintiff, John K. Massey, Jr., brings this action pursuant 42 U.S.C. § 1983 alleging that the defendants have violated his constitutional rights by not providing proper medical care to him for his cancer.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the complaint should be dismissed in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

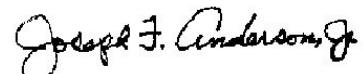
The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 6, 2012. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In fact, on August 13, 2012, the copy of the Report and Recommendation mailed to the plaintiff was

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

returned from the U.S. Postmaster marked "Undeliverable." The plaintiff has previously been ordered to keep the Clerk of Court advised in writing if his address changes and he has not complied with that order.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice under Rule 41(b).

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

August 22, 2012
Columbia, South Carolina